IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of John Gerard Speare et al.   Art Unit 2191
Serial No. 10/806,779
Filed March 23, 2004
Confirmation No. 2381
For METHOD FOR UPDATING DATA IN ACCORDANCE WITH RIGHTS
MANAGEMENT POLICY
Examiner Ted T. Vo

REPLY BRIEF

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October 7, 2008

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       This Reply Brief pursuant to 37 C.F.R. 41.41 responds to the Examiner's Answer dated

August 7, 2008. This Reply Brief is supplemental to and not a replacement for Appellants'

Appeal Brief filed January 28, 2008.

I.   **STATUS OF CLAIMS**

Claims 1-27 are currently pending in the application for consideration.

Claims 1-27 stand rejected. The rejection of each of these claims is being appealed.

Listing of Claims

Claim 1 (previously presented): A computerized method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the computerized method comprising:

accepting the electronic document;

identifying one or more rights management protections associated with content of the electronic document, said rights management protections being defined by the persisted policy scheme;

pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being associated with the content of the electronic document;

determining whether the content of the electronic document has exceeded the rights management protections defined by the persisted policy scheme;

if the content of the electronic document has exceeded the rights management protections, replacing a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is modified; and

permitting use of the modified content of the electronic document in accordance with the obtained use license.

Claim 2 (previously presented): The computerized method of claim 1 wherein the electronic document is an electronic mail (e-mail) communication.

Claim 3 (previously presented): The computerized method of claim 1 wherein the determining and replacing are performed on a scheduled interval.

Claim 4 (previously presented): The computerized method of claim 1 wherein the determining and replacing are performed on an ad-hoc basis.

Claim 5 (previously presented): A computer-readable storage medium containing instructions for performing a method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the method comprising:

accepting the electronic document;

identifying one or more rights management protections associated with content of the electronic document, said rights management protections being defined by the persisted policy scheme;

pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being associated with the content of the electronic document;

determining whether the content of the electronic document has exceeded the rights management protections defined by the persisted policy scheme;

if the content of the electronic document has exceeded the rights management protections, replacing a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is modified; and

permitting use of the modified content of the electronic document in accordance with the obtained use license.

Claim 6 (previously presented): A computerized method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the computerized method comprising:

accepting the electronic document;

identifying one or more rights management protections associated with content of the electronic document, said rights management protections defining an expiration according to the persisted policy scheme;

pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being associated with the content of the electronic document;

determining whether the content of the electronic document has exceeded the expiration of the rights management protections defined by the persisted policy scheme; and

if the content of the electronic document has exceeded the expiration of the rights management protections, deleting the content of the electronic document such that the content of the electronic document is unavailable for use in accordance with the obtained use license.

Claim 7 (previously presented): The computerized method of claim 6 wherein the electronic document is an electronic mail (e-mail) communication.

Claim 8 (previously presented): The computerized method of claim 6 wherein the determining and replacing are performed on a scheduled interval.

Claim 9 (previously presented): The computerized method of claim 6 wherein the determining and replacing are performed on an ad-hoc basis.

Claim 10 (previously presented): A computer-readable storage medium containing instructions for performing a method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the method comprising:

accepting the electronic document;

identifying one or more rights management protections associated with content of the electronic document, said rights management protections defining an expiration according to the persisted policy scheme;

pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being associated with the content of the electronic document;

determining whether the content of the electronic document has exceeded the expiration of the rights management protections defined by the persisted policy scheme; and

if the content of the electronic document has exceeded the expiration of the rights management protections, deleting the content of the electronic document such that the content of the electronic document is unavailable for use in accordance with the obtained use license.

Claim 11 (previously presented): A computerized method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the computerized method comprising:

accepting the electronic document;

identifying one or more rights management protections associated with content of the electronic document, said rights management protections defining an expiration according to the persisted policy scheme;

pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme and being associated with the content of the electronic document, said use license granting access to the content of the electronic document by the user;

determining whether the content of the electronic document has exceeded an expiration of the rights management protections defined by the persisted policy scheme; and

if the content of the electronic document has exceeded the expiration of the rights management protections, replacing a portion of the content of the electronic document with a refreshed copy of the portion of the content of the electronic document such that the electronic document maintains the rights management protections even though the user is pre-licensed to access the original content of the electronic document in accordance with the obtained use license.

Claim 12 (previously presented): The computerized method of claim 11 wherein the electronic document is an electronic mail (e-mail) communication.

Claim 13 (previously presented): The computerized method of claim 11 wherein the determining and replacing are performed on a scheduled interval.

Claim 14 (previously presented): The computerized method of claim 11 wherein the determining and replacing are performed on an ad-hoc basis.

Claim 15 (previously presented): A computer-readable storage medium containing instructions for performing a method for updating content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, the method comprising:

accepting the electronic document;

identifying one or more rights management protections associated with content of the accepted electronic document, said rights management protections defining an expiration according to the persisted policy scheme;

pre-licensing the accepted electronic document by obtaining a use license on behalf of a user, said use license being defined by the persisted policy scheme, said use license granting access to the content of the electronic document by the user;

determining whether the content of the electronic document has exceeded the expiration of the rights management protections; and

if the content of the electronic document has exceeded the expiration of the rights management protections, updating a portion of the content of the electronic document with a refreshed copy of the portion of the content of the electronic document such that the electronic document maintains the rights management protections even though the user is pre-licensed to access the original content of the electronic document in accordance with the obtained use license.

Claim 16 (previously presented): A computerized method for specifying an updating process for content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, said electronic document having one or more rights management protections associated with content thereof, said rights management protections being defined by the persisted policy scheme, the computerized method comprising:

configuring the updating process to identify content in the electronic document that has the one or more rights management protections associated therewith, to pre-license the content of electronic document with a use license on behalf of a user, and to replace a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is modified if the electronic document has exceeded the rights management protections thereby permitting use of the modified content of the electronic document by the pre-licensed user.

Claim 17 (previously presented): The computerized method of claim 16 further comprising defining an interval for the updating process to be performed.

Claim 18 (previously presented): The computerized method of claim 16 further comprising defining the updating process to be performed on an ad-hoc basis.

Claim 19 (previously presented): A computer-readable storage medium containing instructions for performing a method for specifying an updating process for content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, said electronic document having one or more rights management protections associated with content thereof, said rights management protections being defined by the persisted policy scheme, the method comprising:

configuring the updating process to identify content in the electronic document that has the one or more rights management protections associated therewith, to pre-license the content of the electronic document with a use license on behalf of a user, and to replace a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is modified if the electronic document has exceeded rights management protections thereby permitting use of the modified content of the electronic document by the pre-licensed user.

Claim 20 (previously presented): A computerized method for specifying an updating process for content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, said electronic document having one or more rights management protections associated with content thereof, said rights management protections defining an expiration according to the persisted policy scheme, the computerized method comprising:

configuring the updating process to identify content in the electronic document that has the one or more rights management protections associated therewith, to pre-license the content of the electronic document with a use license on behalf of a user, and to delete the content of the electronic document such that the content of the electronic document is unavailable if the

electronic document has exceeded the expiration of the rights management protections even though the user is pre-licensed to use the original content of the electronic document.

Claim 21 (previously presented): The computerized method of claim 20 further comprising defining an interval for the updating process to be performed.

Claim 22 (previously presented): The computerized method of claim 20 further comprising defining the updating process to be performed on an ad-hoc basis.

Claim 23 (previously presented): A computer-readable storage medium containing instructions for performing a method for specifying an updating process for content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, said electronic document having one or more rights management protections associated with content thereof, said rights management protections defining an expiration according to the persisted policy scheme, the method comprising:

configuring the updating process to identify content in the electronic document that has the one or more rights management protections associated therewith, to pre-license the content of the electronic document with a use license on behalf of a user, and to delete the content of the electronic document data such that the content of the electronic document is unavailable if the electronic document has exceeded the expiration of the rights management protections even though the user is pre-licensed to use the original content of the electronic document.

Claim 24 (previously presented): A computerized method for specifying an updating process for content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, said electronic document having one or more rights management protections associated with content thereof, said rights management protections defining an expiration according to the persisted policy scheme, the computerized method comprising:

configuring the updating process to identify content in the electronic document that has the one or more rights management protections, to pre-license the content of the electronic document with a use license_on behalf of a user to access the content of the electronic document, and to replace a portion of the content of the electronic document with a refreshed copy of the

portion of the content of the electronic document such that the electronic document maintains the rights management protections if the electronic document has exceeded the expiration of the rights management protections even though the user is pre-licensed to access the original content of the electronic document in accordance with the obtained use license.

Claim 25 (previously presented): The computerized method of claim 24 further comprising defining an interval for the updating process to be performed.

Claim 26 (previously presented): The computerized method of claim 24 further comprising defining the updating process to be performed on an ad-hoc basis.

Claim 27 (previously presented): A computer-readable storage medium containing instructions for performing a method for specifying an updating process for content in an electronic document, wherein the updating relies on the existence of a persisted policy scheme, said electronic document having one or more rights management protections associated with content thereof, said rights management protections defining an expiration according to the persisted policy scheme, the method comprising:

configuring the updating process to identify content in the electronic document that has the one or more rights management protections associated therewith, to pre-license the content of the electronic document with a use license on behalf of a user to access the content of the electronic document, and to replace a portion of the content of the electronic document with a refreshed copy of the portion of the content of the electronic document such that the electronic document maintains the rights management protections if the electronic document has exceeded the expiration of the rights management protections even though the user is pre-licensed to access the original content of the electronic document in accordance with the obtained use license.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants appeal the rejections of claims 1-27 under 35 U.S.C. §102(b). The Examiner has withdrawn rejection of claims 4-15 under 35 U.S.C. §112, second paragraph in the Examiner's Answer dated August 7, 2008. The only issue on appeal is whether claims 1-27 are patentable under 35 U.S.C. §102(b) as being anticipated by the SealedMedia reference.

III.   ARGUMENTS

Claims 1-27 are patentable under 35 U.S.C. §102(b) as being unanticipated by the SealedMedia reference.

The following arguments in response to the Examiner's Answer are supplemental to and not a replacement for the arguments in the Appeal Brief filed January 28, 2008. Appellants' decision to not specifically address each and every new argument raised by the Examiner in the Examiner's Answer should not be construed as an agreement therewith.

Claims 1-27 are patentable under 35 U.S.C. §102(b) as being unanticipated by the SealedMedia reference

Claims 1-5 and 16-19

In response to Appellants' arguments regarding claim 1, the Office indicates that the Appellants failed to argue for the claims as presented. Examiner's Answer, page 14. Ironically, Appellants respectfully submit that it is the Office that failed to consider the language of claim 1. In this regard, the Office states that claim 1 as presented only recites "replacing a portion of the content of the electronic document with an indicating piece of data." But claim 1 specifically recites "replacing a portion of the content of the electronic document with an indicating piece of data **such that the content of the electronic document is modified**." Therefore, Applicants respectfully submit that the Office failed to consider the claim limitation in its entirety in examining the present application.

Furthermore, Appellants' arguments on appeal have been consistent with the claims as presented. Returning to the Office's rejection of claim 1 (see Examiner's Answer, page 4), Appellants respectfully disagree and submit that the Office has again insisted on more into the SealedMedia reference than it actually teaches. In other words, the Office is adding language or understanding that does not exist in the SealedMedia reference. For example, the Office asserts that page 14 of the SealedMedia reference indicates "it is understood that if the sealed content is expired, sealed contents like URLs, Items within the content set 'The Herald' would be substituted by either a blank (see descriptions in p. 8), a macros embedded in a URL, or a default URL with the information why the sealed content cannot be displayed (It should be noted that

this is displayed within the canned sealed content within the content set, not a new webpage). (emphasis added)" Examiner's Answer, pages 4-5.

Appellants respectfully submit that the Office's understanding and reading of the SealedMedia reference is directly contrary to the specific teaching of the SealedMedia reference on page 9, which provides the following:

> The URLs specified in the content set configuration are used by the Unsealer to route the user to web-hosted resources that contain additional information about the sealed content. These URLs are exposed by the Unsealer and should therefore point to valid locations. You can embed macros in these URLs that will be substituted by the Unsealer when the URL is passed to the browser, so you may use macros and query strings in the URL, and server side scripting to customize the user's user experience. For information about macro substitution and the way the content URLs are exposed to the user, consult the Unsealer documentation.

> The default URL is sealed in with the content and must therefore be valid in perpetuity (or at least for as long as you expect the sealed content to be in circulation). The other URLs (and the publisher URL) are looked up when requested, and can therefore be updated without affecting user experience.

Appellants are puzzled by the Office's insistence that the above discussion discloses or suggests "a default URL with the information why the sealed content cannot be displayed (It should be noted that **this is displayed within the canned sealed content** within the content set, not a new webpage)". In contrast to the Office's reading of the cited art, the SealedMedia reference specifically provides that "the URLs specified in the content set configuration are used by the Unsealer **to route the user to web-hosted resources that contain additional information about the sealed content** (emphasis added)." See also page 9 of the SealedMedia reference. That is, the SealedMedia reference specifically discloses that the default URL "routes the user to web-hosted resources" and does **not** "change[] the sealed content set" that contains additional information about the sealed content such that the sealed content **is modified**. It is to be understood that "routing a user to web-hosted resources" means that the web-hosted resources are not included in the content set. The SealedMedia reference fails to **replace** the sealed content set with the web-hosted resources such that the sealed content is modified; it merely re-directs the user to a different information source while keeping the sealed content in tact. This is further emphasized by SealedMedia reference on page 10:

> The metadata is used by the Unsealer to identify the content and to request appropriate licenses. If no valid license is available, the Unsealer displays a status page describing why the content cannot be rendered, with a link to the Default URL. It is also possible to instruct the Unsealer to render the Default URL within the browser directly, giving you a more close control over the user experience. Once a license has been obtained, the metadata is also used to determine ongoing license validity, e.g. license expiration may be relative to the publication time sealed in with the content.

That is, "if no valid license is available, the **Unsealer displays a status page describing why the content cannot be rendered**...." SealedMedia reference, page 10. There is no discussion or suggestion in the reference that the Unsealer changes or replaces content in the content set when no valid license is found.

To the contrary, claim 1 recites in part: "**replacing a portion of the content of the electronic document with an indicating piece of data such that the content of the electronic document is modified**." The SealedMedia reference's sealed content is not modified; it merely provides a re-direction or routing to different web-hosted sources for a user to learn about the sealed content.

Moreover, the mere fact that the SealedMedia reference describes that "the other URLs (and the publisher URL) are looked up when requested, and can therefore be updated without affecting user experience" cannot be said to anticipate that the SealedMedia reference suggests the sealed content may be replaced because the SealedMedia reference specifically describes that the URL "point to resources that describe the content set." SealedMedia reference, page 9. The fact that the SealedMedia reference distinguishes the default URL, which is sealed with the content, over the "other URLs" provides a clear difference on the limitation of the SealedMedia reference. The SealedMedia reference fails to disclose or suggest the default URL may be updated; the SealedMedia reference specifically requires that the default URL must be valid in perpetuity or at least for as long as you expect the sealed content to be in circulation. Therefore, Appellants respectfully submit that the SealedMedia reference fails to anticipate claims 1-5 and 16-19.

Therefore, Appellants respectfully submit that claims 1-5 and 16-19 are patentable over the SealedMedia reference for at least the reasons above and reasons set forth in the Appeal Brief. Hence, the rejection of claims 1-5 and 16-19 under 35 U.S.C. §102(b) should be withdrawn

Claims 6-10 and 20-23

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Referring now to the discussion beginning at page 16 of the Examiner's Answer, Appellants respectfully disagree with the Office's arguments because the reference to a "perpetuity problem" on page 14 of the SealedMedia reference is about the "non-roaming license" being cached locally by Unsealer. That is, in addition to some of reasons above, the Office further suggests that page 14 of the SealedMedia reference discloses or suggests at least the feature of "if the content of the electronic document has exceeded the expiration of the rights management protections, deleting the content of the electronic document such that the content of the electronic document is unavailable for use in accordance with the obtained use license." Examiner's Answer, pages 8 and 17. Even the Office itself cited that "This time is known as the expiry time – when a license expires, it is garbage collected from the user's SealedMedia account either on the license server or in the license cache on the user's hard disk." SealedMedia reference, page 14, first full paragraph. In other words, the "garbage" that is referred to is the expired non-roaming license, not the content of the electronic document as recited in the claims. The Office not only read this passage of the SealedMedia reference out of context but also misquoted the SealedMedia reference by saying "**the Unsealer will delete this sealed content for avoiding the perpetuity problem**," citing page 14 of the SealedMedia reference (emphasis added). However, it is clear from the SealedMedia reference that the perpetuity problem has nothing to do with deleting the sealed content:

> To avoid the perpetuity problem with roaming licenses you should ensure that they are always configured in such a way that at some point in current time, the license will become definitively invalid for any content, no matter what its publication time. This time is known as the **expiry time**—when a license expires, it is garbage collected from the user's SealedMedia account either on the license server or in the license cache on the user's hard disk. In other words, every roaming license should have at least one time clause specified using: a current time point, any time base except relative to publication, and a stop time.
>
> If you do not comply with this recommendation, you will need to revoke licenses manually to prevent the server from becoming clogged with unwanted licenses. If you do not keep records of every license you issue, license revocation is a non-trivial task.

Therefore, for at least the reasons above and in the Appeal Brief, Appellants respectfully submit that claims 6-10 and 20-23 are patentable over the SealedMedia reference. Hence, the rejection of claims 6-10 and 20-23 under 35 U.S.C. §102(b) should be withdrawn.

Claims 11-15 and 24-27

With respect to the Office's response on pages 19-20 of the Examiner's Answer concerning claims 11-15 and 24-27, Appellants respectfully submit that paragraphs [0040-43] provide adequate examples for these claims. Also, unlike what the Office argued, there is no contradiction within claim 11 with respect to the "if statement." Claim 11 recites, in part: "if the content of the electronic document has exceeded the expiration of the rights management protections, replacing a portion of the content of the electronic document with **a refreshed copy** of the portion of the content of the electronic document such that the electronic document maintains the rights management protections even though the user is pre-licensed to access the original content of the electronic document in accordance with the obtained use license." In other words, the user views the "refreshed copy" of the electronic document and the "refreshed copy" of the electronic document continues to maintain the rights management protections because the refreshed copy cannot be the expired content. The refreshed copy may be other documents that are not the original content. In any event, the SealedMedia reference fails disclose or suggest at least the feature of replacing the content of the electronic document with a refreshed copy. Hence, the rejection of claims 11-15 and 24-27 under 35 U.S.C. §102(b) should be withdrawn.

IV.   CONCLUSION

For at least the reasons stated above, and the reasons set forth in the Appeal Brief filed January 28, 2008, Appellants respectfully request that the Office's rejections be reversed and that claims 1-27 be allowed.

Respectfully submitted,

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